



## 1995 ASSEMBLY BILL 241

March 21, 1995 - Introduced by Representatives WARD, OLSEN, ZIEGELBAUER, LEHMAN, AINSWORTH, FREESE, PROSSER, ZUKOWSKI, OWENS, HAHN, F. LASEE, MUSSER, SILBAUGH, SERATTI, GOETSCH, PORTER, GARD, LADWIG, HANDRICK and GROTHMAN, cosponsored by Senators RUDE, BUETTNER, PANZER, WEEDEN and SCHULTZ. Referred to Committee on Mandates.

1     **AN ACT** *to renumber* 51.437 (4r); *to amend* 46.23 (3) (e), 51.42 (3) (e), 51.437 (10)  
2           (d) and 51.437 (10m) (h); and *to create* 46.215 (1m), 46.22 (1) (dm) and 51.437  
3           (4r) (b) of the statutes; **relating to:** permitting exchange of certain confidential  
4           client information among subunits of the same county departments of social  
5           services and developmental disabilities services and expanding the exchange  
6           of certain confidential client information among subunits of county  
7           departments of human services and community programs.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a subunit of a county department of human services in Milwaukee County may, without a client's informed consent, exchange certain confidential information with any other subunit of the same county department of human services or with a person who provides services to the client under a purchase of services contract with the county department of human services, if the exchange is necessary to enable an employe or service provider to perform duties or to enable client service delivery. The information that may be exchanged can relate to records about children in the care or legal custody of certain agencies; information about applicants and recipients of medical assistance, general relief, aid to families with dependent children, child and spousal support, establishment of paternity services and supplemental security income supplements; treatment and registration records of persons who are receiving or have received services for mental illness, developmental disability, alcoholism or drug dependence; treatment and service records for persons who are protectively placed or for whom protective placement is sought; patient health care records; reports of records concerning sexually transmitted diseases; and information gathered by an entity, agency or person

conducting programs in family planning. Currently, subunits of a county department of human services of a county other than Milwaukee County may exchange the same kind of confidential client information, except for records about children in the care or legal custody of certain agencies. Lastly, subunits of a county department of community programs may exchange the same kind of confidential client information, except for records about children in the care or legal custody of certain agencies and except for information gathered by an entity, agency or person conducting programs in family planning.

This bill provides to subunits of county departments of social services in all counties, including Milwaukee County, and to subunits of county departments of developmental disabilities services the authority to exchange confidential information about a client, without the client's informed consent, with any other subunit of the same county department of social services or developmental disabilities services or with service providers if it is necessary to perform duties or to enable client service delivery. The information that may be exchanged is the same as the information that may, under current law, be exchanged among subunits of a county department of human services in Milwaukee County. In addition, the bill expands the types of information that may be exchanged by subunits of the same county department of human services of a county other than Milwaukee County and by subunits of the same county department of community programs to be the same as the information that may, under current law, be exchanged among subunits of a county department of human services in Milwaukee County.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 46.215 (1m) of the statutes is created to read:  
2           46.215 (1m) EXCHANGE OF INFORMATION. Notwithstanding ss. 48.78 (2) (a),  
3           49.45 (4), 49.53 (1m), 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7) and 253.07  
4           (3) (c), any subunit of the county department of social services acting under this  
5           section may exchange confidential information about a client, without the informed  
6           consent of the client, with any other subunit of the same county department of social  
7           services or with any person providing services to the client under a purchase of  
8           services contract with the county department of social services, if necessary to enable

1 an employe or service provider to perform his or her duties, or to enable the county  
2 department of social services to coordinate the delivery of services to the client.

3 **SECTION 2.** 46.22 (1) (dm) of the statutes is created to read:

4 46.22 (1) (dm) *Exchange of information.* Notwithstanding ss. 48.78 (2) (a),  
5 49.45 (4), 49.53 (1m), 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7) and 253.07  
6 (3) (c), any subunit of the county department of social services acting under this  
7 subsection may exchange confidential information about a client, without the  
8 informed consent of the client, with any other subunit of the same county department  
9 of social services or with any person providing services to the client under a purchase  
10 of services contract with the county department of social services, if necessary to  
11 enable an employe or service provider to perform his or her duties, or to enable the  
12 county department of social services to coordinate the delivery of services to the  
13 client.

14 **SECTION 3.** 46.23 (3) (e) of the statutes is amended to read:

15 46.23 (3) (e) *Exchange of information.* Notwithstanding ss. 48.78 (2) (a), 49.45  
16 (4), 49.53 (1m), 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7) and 253.07 (3)  
17 (c), any subunit of a county department of human services acting under this section  
18 may exchange confidential information about a client, without the informed consent  
19 of the client, with any other subunit of the same county department of human  
20 services or with any person providing services to the client under a purchase of  
21 services contract with the county department of human services, if necessary to  
22 enable an employe or service provider to perform his or her duties, or to enable the  
23 county department of human services to coordinate the delivery of services to the  
24 client.

25 **SECTION 4.** 51.42 (3) (e) of the statutes is amended to read:

1           51.42 **(3)** (e) *Exchange of information*. Notwithstanding ss. 48.78 (2) (a), 49.45  
2           (4), 49.53 (1m), 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82 ~~and~~, 252.11 (7) and 253.07  
3           (3) (c), any subunit of a county department of community programs acting under this  
4           section may exchange confidential information about a client, without the informed  
5           consent of the client, with any other subunit of the same county department of  
6           community programs or with any person providing services to the client under a  
7           purchase of services contract with the county department of community programs,  
8           if necessary to enable an employe or service provider to perform his or her duties, or  
9           to enable the county department of community programs to coordinate the delivery  
10          of services to the client.

11           **SECTION 5.** 51.437 (4r) of the statutes is renumbered 51.437 (4r) (a).

12           **SECTION 6.** 51.437 (4r) (b) of the statutes is created to read:

13           51.437 **(4r)** (b) Notwithstanding ss. 48.78 (2) (a), 49.45 (4), 49.53 (1m), 51.30,  
14           51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7) and 253.07 (3) (c), any subunit of the  
15           county department of developmental disabilities services acting under this section  
16           may exchange confidential information about a client, without the informed consent  
17           of the client, with any other subunit of the same county department of developmental  
18           disabilities services or with any person providing services to the client under a  
19           purchase of services contract with the county department of developmental  
20           disabilities services, if necessary to enable an employe or service provider to perform  
21           his or her duties, or to enable the county department of developmental disabilities  
22           services to coordinate the delivery of services to the client.

23           **SECTION 7.** 51.437 (10) (d) of the statutes is amended to read:

